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3 UNITED STATES DISTRICT COURT
4 WESTERN DISTRICT OF WASHINGTON
5 AT SEATTLE

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7 LOCAL 302 and 612 of the INTERNATIONAL
8 UNION OF OPERATING ENGINEERS
9 CONSTRUCTION INDUSTRY HEALTH AND
10 SECURITY FUND, et al.,

11 Plaintiff,

12 v.

13 GASTON BROS. EXCAVATING, INC., a
14 Washington Corporation,

15 Defendant.

16 Case No. C05-1679MAT

17 ORDER OF DISMISSAL

18 Counsel having notified the court of the settlement of this case, and it appearing that no
19 issue remains for the court's determination,

20 IT IS ORDERED that this action and all claims asserted herein are DISMISSED with
21 prejudice and without costs to any party.

22 In the event that the settlement is not perfected, any party may move to reopen the case,
23 provided that such motion is filed within 60 days of the date of this order. Any trial date and pretrial
24 dates previously set are hereby VACATED.

25 IT IS SO ORDERED this 24th day of August, 2006.

26 

Mary Alice Theiler
U.S. Magistrate Judge

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28 ORDER OF DISMISSAL